

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION )

NUMBER 61-1579 (a17159) )

MEMORANDUM DECISION

Change Application Number 61-1579 (a17159), in the name of Robert C. Beiler, was filed on January 12, 1993, to change the point of diversion, place of use, and nature of use of 1.6 acre-feet of water. Heretofore, the water has been diverted from Panguitch Creek, located East 1900 feet from the W $\frac{1}{4}$  Corner of Section 34, T35S, R7W, SLB&M, and rediverted within the West Panguitch Irrigation and Reservoir Company service area.

Hereafter, it is proposed to divert 0.45 acre-foot of water from a six inch well, 100 feet to 200 feet deep, located North 955 feet and East 90 feet from the W $\frac{1}{4}$  Corner of Section 5, T36S, R7W, SLB&M, to be used for the domestic purposes of one family in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 5, T36S, R7W, SLB&M.

The application was advertised in The Garfield County News from February 4, 1993, to February 18, 1993, and was not protested.

It appears that this change can be made provided certain precautions are observed. The irrigation company indicated that they had no objections to the proposed change.

It is, therefore, **ORDERED** and Change Application Number 61-1579 (a17159) is hereby **APPROVED** subject to prior rights and the following conditions:

1. No more water may be diverted from the well each year than the applicant is entitled to under his share of stock in the West Panguitch Irrigation and Reservoir Company and limited to 0.45 acre-foot annually.
2. The applicant shall install, at his own expense, a permanent totalizing meter to measure the water obtained. The meter shall be available for inspection and regulation by the State Engineer or his representatives.
3. The water that has been historically used in the West Panguitch Irrigation and Reservoir Company shall be released from the Panguitch Lake Reservoir to minimize the effect on downstream users and to compensate for any losses which may occur from pumping the underground water system.
4. Continued ownership of the stock certificate which is the basis of the change shall be required by the applicant or his successors in order to maintain this change.
5. Any cost incurred in administrating this change shall be borne by the applicant.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for

MEMORANDUM DECISION  
CHANGE APPLICATION NUMBER  
61-1579 (a17159)  
PAGE -2-

Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 23rd day of November, 1993.

  
Robert L. Morgan, P.E. State Engineer

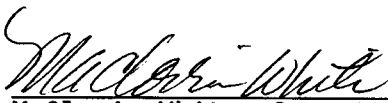
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Mailed a copy of the foregoing Memorandum Decision this 23rd day of November, 1993, to:

Robert C. Beiler  
3208 S Shoreheight St  
Las Vegas, NV 89117

Ray Owens  
River Commissioner  
280 North 100 East  
Joseph, UT 84729

West Panguitch Irrigation & Res. Co  
c/o Konroy Henrie  
160 South Main  
Panguitch, UT 84759

BY:   
MaClovia White, Secretary